

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DONALD JIMMY STANLEY,

Plaintiff,

v.

LARRY HARGROVE,

Defendant.

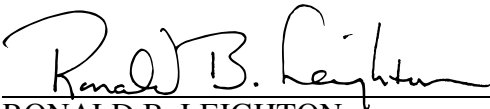
Case No. C05-5057RBL

ORDER ADOPTING  
REPORT AND  
RECOMMENDATION

The Court, having reviewed Plaintiffs' complaint, the Report and Recommendation of Magistrate Judge J. Kelley Arnold, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) This action is **DISMISSED** for failure to state a claim. This dismissal counts as a strike pursuant to 28 U.S.C. 1915 (g).
- (3) Clerk is directed to send copies of this Order to plaintiff, counsel for defendant and to the Hon. J. Kelley Arnold.

DATED this 21<sup>st</sup> day of February, 2006.



RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE